

IRA S. LILICK (1875-1967)  
CABLES "IRALILICK"  
INTERNATIONAL TELEX-4720401  
TELECOPIER (213) 629-1033

WRITER'S DIRECT DIAL NUMBER

(213) 488-7111

## LILICK McHOSE & CHARLES

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

707 WILSHIRE BOULEVARD  
LOS ANGELES, CALIFORNIA 90017  
TELEPHONE (213) 488-7100

July 8, 1985

TWO EMBARCADERO CENTER  
SAN FRANCISCO, CALIFORNIA 94111  
TELEPHONE (415) 421-4600

101 WEST BROADWAY, SUITE 1800  
SAN DIEGO, CALIFORNIA 92101  
TELEPHONE (619) 234-5000

1211 K STREET MALL  
SACRAMENTO, CALIFORNIA 95814  
TELEPHONE (916) 442-4584

21 DUPONT CIRCLE, N. W.  
WASHINGTON, D. C. 20036  
TELEPHONE (202) 785-3288

Matthew W. Claman  
California State Coastal Conservancy  
1330 Broadway, Suite 1100  
Oakland, CA 94612

Re: 27910 Pacific Coast Highway, Malibu, CA

Dear Mr. Claman:

Thank you for your letter of June 28, 1985 advising of the Conservancy's plans.

By copy of this letter to Don Wildman, I am providing him a copy of your letter, since Mr. Wildman currently owns the property which is the subject of your letter. However, I thought it appropriate to respond to some of your comments at this time.

You indicate the Conservancy plans to accept the parking easement and the vertical access easement. We would appreciate learning how you plan to accomplish this, since all of the consultants who have viewed the property (including two different consultants retained by the Conservancy) concluded the vertical access easement in its present location would not only be controversial, invade the privacy of adjoining properties but also be impractical, costly and unsafe. If you have a plan for the vertical easement, I would appreciate seeing a copy of it. ← 7

I am in agreement with your conclusion that the driveway which provides access to the subject property is consistent with the offer to dedicate which preserved the right to locate reasonable access to the property. I disagree, however, with your conclusion the fence and shrubbery are not consistent with the easements. Surely it was never contemplated by anyone

Matthew W. Claman  
July 8, 1985  
Page 2

that this beachfront property would have to remain fenceless and without suitable and appropriate landscaping, including shrubbery. All my discussions with members of the Coastal Commission staff clearly indicated the need for privacy and security for the properties involved, and I think having a reasonable gated access to the subject property is clearly consistent with the offers to dedicate. Thus, in my opinion, it would be unreasonable for the Conservancy to insist upon their removal, particularly until reasonable and appropriate plans for use of the easements have been prepared, and the improvements and funds necessary therefore have been allocated. Frankly, I think the vertical easement is such that it cannot be utilized in its present location, and thus providing for parking would be a waste of money without beach access. Moreover, as a practical matter, there is insufficient space for beach parking in my opinion.

As indicated above, I no longer own the property and thus will defer the decision on how to respond to your letter to the current owner, Mr. Don Wildman. However, I will be happy to discuss the matter further with you to further clarify the history of these offers to dedicate, the discussions that preceded them, and the understanding of the parties at that time.

So far  
memorandum  
w/ Commission  
version

Very truly yours,

  
Kenneth R. Chiate

cc: Mr. Don Wildman